

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

PERIODIC REPORTING RULES

Docket No. RM2008-4

NOTICE OF ERRATA TO REPLY COMMENTS OF THE UNITED STATES
POSTAL SERVICE IN RESPONSE TO ORDER NO. 104
(November 18, 2008)

The Postal Service filed its Reply Comments in this docket on November 14, 2008. On the second line of the bottom paragraph on page 26, "subsection 3652(d)" should read "subsection 3653(d)." While the full context of the discussion hopefully should have made clear the intent, it may nonetheless be useful to note the correction. A revised version of the page is attached.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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November 18, 2008

The majority of Time Warner's comments, however, are devoted to discussion of issues raised by proposed section 3050.20 (Compliance Analysis in the Postal Service's Annual Report). See Time Warner Comments at 4-11. In its own Initial Comments (pages 49-50), the Postal Service explained its basis to suggest the deletion of the middle portion of section 3050.20, regarding "the goals established under 39 U.S.C. 2803 and 2804." Time Warner highlights more fundamental concerns with the language, and perhaps the intent, of proposed section 3050.20. Time Warner seems to be primarily concerned that the proposal could blur the distinction between what is required of the Postal Service under the statute, for which specific remedial actions are available to the Commission if the Postal Service fails to comply, versus other matters regarding which the Commission may have a statutory role, but that role does not include the ability to impose remedies for noncompliance.

Time Warner's discussion usefully highlights the fundamental distinction between subsections 3653(b)-(c), and subsection 3653(d). Subsection (b) states that the Commission must make a determination of compliance with regard to the rates and fees for products under chapter 36, and with regard to the market-dominant service standards established under section 3691. The Commission has the authority under subsection (c) to order remedial action for noncompliance with those provisions. Subsection (d), however, simply requires the Commission to "evaluate" whether the performance goals of sections 2803 and 2804 have been met, and authorizes (but does not require) the Commission to make recommendations concerning the "protection or promotion" of the "public policy objectives" of title 39. In performing these tasks, the Commission does not have the authority to order remedial action. Clearly, this

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

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